

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 912, Page 8, Section 173.239, Line 91, by inserting after all of said section and line
3 the following:
4

5 "191.2600. Sections 191.2600 to 191.2630 shall be known and may be cited as the "Veterans
6 Traumatic Brain Injury Treatment and Recovery Act".

7 191.2605. As used in sections 191.2600 to 191.2630, unless the context indicates otherwise,
8 the following terms mean:

9 (1) "Alternative therapies", any therapies for a condition that are not considered the standard
10 or conventional therapies for that condition including, but not limited to, hyperbaric oxygen therapy;

11 (2) "Commission", the Missouri veterans commission;

12 (3) "Facility", a public or private health clinic, outpatient health clinic, community health
13 center, hospital, or other facility authorized under rules of the department of health and senior
14 services to provide hyperbaric oxygen therapy under sections 191.2600 to 191.2630;

15 (4) "Fund", the veterans traumatic brain injury treatment and recovery fund established in
16 section 191.2615;

17 (5) "Health care practitioner", a person who is licensed to provide medical or other health
18 care in this state and who has prescriptive authority including, but not limited to, a physician;

19 (6) "Hyperbaric oxygen therapy" or "therapy", treatment for posttraumatic stress disorder or
20 traumatic brain injury that is based on a valid prescription from a health care practitioner and that is
21 delivered through:

22 (a) A hyperbaric chamber approved by the United States Food and Drug Administration; or

23 (b) A hyperbaric oxygen device that is approved by the United States Food and Drug
24 Administration;

25 (7) "Physician", a person licensed to practice medicine in this state under chapter 334;

26 (8) "Posttraumatic stress disorder", a mental health condition that is triggered by a terrifying
27 event, such as by either experiencing or witnessing a life-threatening event, including, but not
28 limited to, military sexual trauma, or as a secondary sequela to body trauma;

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1 (9) "Traumatic brain injury", an acquired injury to the brain. The term "traumatic brain
2 injury" does not include brain dysfunction caused by a congenital or degenerative disorder or birth
3 trauma;

4 (10) "Veteran", an individual who has served:

5 (a) In an active or reserve component of the Army, Navy, Air Force, Marine Corps, Space
6 Force, or Coast Guard of the United States;

7 (b) In the National Guard of any state; or

8 (c) On active duty, other than for training, in any component of the Armed Forces of the
9 United States for a period of one hundred eighty days or more, unless released earlier because of
10 service-connected disability, and who was discharged or released from the Armed Forces of the
11 United States under other than dishonorable conditions.

12 191.2610. Any facility in this state that provides hyperbaric oxygen therapy to a veteran
13 shall be eligible for reimbursement for such therapy from the commission if the following
14 conditions are satisfied:

15 (1) The veteran receiving the therapy has been diagnosed, by a health care practitioner, with
16 posttraumatic stress disorder or a traumatic brain injury and has demonstrated that he or she
17 previously sought services for posttraumatic stress disorder or a traumatic brain injury through the
18 Veterans Health Administration service delivery system or, if available to the veteran, through the
19 private health insurance system;

20 (2) The veteran receiving the therapy voluntarily agreed to the therapy;

21 (3) The facility complies with applicable fire codes, oversight requirements, and any
22 treatment protocols required under sections 191.2600 to 191.2630;

23 (4) The veteran receiving the therapy resides within this state;

24 (5) Any hyperbaric chamber used to treat the veteran meets the minimum standards for
25 patients established by the United States Food and Drug Administration;

26 (6) The facility complies with the federal Health Insurance and Portability Accountability
27 Act of 1996 for the veteran receiving the therapy;

28 (7) The facility's treatment protocols for hyperbaric oxygen therapy are aligned with the
29 medical standards demonstrated in published clinical trials for hyperbaric oxygen therapy that
30 occurred under the direction of an institutional review board;

31 (8) The hyperbaric oxygen therapy is delivered solely by health care practitioners in
32 accordance with federal and state law;

33 (9) Before providing hyperbaric oxygen therapy to the veteran, the facility established a
34 treatment plan consistent with the requirements of sections 191.2600 to 191.2630;

35 (10) A prescription order for hyperbaric oxygen therapy was issued by a health care
36 practitioner before the facility provided the therapy;

37 (11) The facility verified that both the facility and the veteran met the requirements under
38 sections 191.2600 to 191.2630 for reimbursement before proceeding with the therapy;

1 (12) Before providing the therapy, the facility estimated the costs of the therapy, including
2 the costs of cognitive testing to be conducted before and after the therapy;

3 (13) The facility retains in the veteran's health care file information on the type of cognitive
4 testing performed as well as the results of the cognitive testing;

5 (14) The veteran is not charged or billed for the therapy by the facility or any other entity
6 and is not liable for the costs of the therapy or any expenses incurred in accordance with sections
7 191.2600 to 191.2630;

8 (15) The facility and any health care practitioners involved in the hyperbaric oxygen therapy
9 agree to cooperate with the commission to provide an annual data summary treatment report
10 sufficient to assess the efficacy of alternative treatment modalities for treating veterans with
11 posttraumatic stress disorder and traumatic brain injuries; and

12 (16) The facility receives advance approval from the commission as described in section
13 191.2615.

14 191.2615. 1. (1) There is hereby created in the state treasury the "Veterans Traumatic Brain
15 Injury Treatment and Recovery Fund". The fund shall consist of any appropriations, gifts, bequests,
16 or public or private donations to such fund. The state treasurer shall be custodian of the fund. In
17 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The
18 fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely for
19 reimbursements to facilities for hyperbaric oxygen therapy provided to veterans, for administrative
20 expenses incurred by the commission in distributing such reimbursements, and for studies on the use
21 of alternative therapies to treat veterans with posttraumatic stress disorder and traumatic brain
22 injuries.

23 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
24 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

25 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are
26 invested. Any interest and moneys earned on such investments shall be credited to the fund.

27 2. Any facility that intends to seek reimbursement from the fund for hyperbaric oxygen
28 therapy provided to a veteran shall request advance approval from the commission for
29 reimbursement before providing such therapy. Upon approval by the commission, the commission
30 shall set aside the appropriate amount of funds to ensure full payment for the veteran's therapy. If
31 moneys remaining in the fund are insufficient to ensure full payment, the commission shall deny the
32 facility's request for advance approval.

33 3. If at the end of the six-month period immediately following the date the commission
34 approved the facility's request for advance approval the facility has not submitted any bills to the
35 commission for the veteran or provided any therapy for the veteran, the commission shall notify the
36 veteran and the facility that the funding reserved for the veteran shall expire within thirty days if the
37 facility fails to notify the commission that therapy is scheduled or continued. If the facility fails to
38 notify the commission that therapy is scheduled or continued within thirty days, the commission

1 shall release the funds reserved for the veteran and make them available for another veteran's
2 therapy under sections 191.2600 to 191.2630.

3 4. After receiving advance approval from the commission and providing hyperbaric oxygen
4 therapy to a veteran in accordance with sections 191.2600 to 191.2630, the facility shall not bill the
5 veteran for the therapy but shall submit the bill for the therapy to the commission.

6 5. The commission shall pay the bill for the therapy received in accordance with subsection
7 4 of this section from the fund within forty-five days of receipt. If the costs of the therapy exceed
8 the availability of moneys remaining in the fund, the facility shall not hold the veteran responsible
9 for any payment, and the commission shall not have any obligation to make payments to the facility
10 in an amount that exceeds the amount that was set aside upon advance approval as described in
11 subsection 2 of this section.

12 6. The commission shall seek reimbursement for payments made to facilities for treating
13 veterans with hyperbaric oxygen therapy from any of the following entities based on the efficacy of
14 treatments as demonstrated in the healing of traumatic brain injuries through hyperbaric oxygen
15 therapy by cognitive testing, brain scans, or other assessment protocols medically accepted by the
16 United States Food and Drug Administration or the United States Department of Defense under the
17 War Risk Insurance Act, as amended:

18 (1) The Tricare program of the United States Department of Defense;

19 (2) Appropriate federal agencies, including the Veterans Health Administration; and

20 (3) Any other responsible third-party payer.

21 7. The department of health and senior services shall award funds to entities to study the use
22 of alternative therapies to treat veterans with posttraumatic stress disorder and traumatic brain
23 injuries.

24 191.2620. 1. Any facility may approve hyperbaric oxygen therapy for a veteran in
25 accordance with sections 191.2600 to 191.2630.

26 2. A licensing board shall not revoke, fail to renew, suspend, or take any action against a
27 health care practitioner based solely on the health care practitioner's recommendations to a veteran
28 regarding access to or treatment with hyperbaric oxygen therapy.

29 3. No state agency shall take any action, or assist in any action, against a health care
30 practitioner's Medicare or Medicaid certification based solely on the health care practitioner's
31 recommendation that a veteran have access to hyperbaric oxygen therapy.

32 4. No official employee or agent of the state shall block or attempt to block access to
33 hyperbaric oxygen therapy by a veteran who meets all requirements to receive such therapy under
34 sections 191.2600 to 191.2630.

35 5. Counseling, advice, or recommendations provided by a health care practitioner consistent
36 with the medical standards of care shall not be considered a violation of sections 191.2600 to
37 191.2630.

38 6. Hyperbaric oxygen therapy may be used under the direction of an institutional review
39 board with a national clinical trial number for the purpose of collecting clinical trial data.

1 191.2625. 1. Any facility that receives reimbursement from the fund shall:

2 (1) Provide reports on individual veterans and groups of veterans to the commission on
 3 measured health improvements from accepted and approved cognitive testing protocols, brain
 4 imaging, or other medical assessments approved by the industry, the United States Food and Drug
 5 Administration, the United States Department of Defense, Tricare, or the Centers for Medicare and
 6 Medicaid Services conducted before and after therapy; and

7 (2) Submit an annual report to the commission with the following information:

8 (a) The number of veterans who received hyperbaric oxygen therapy at the facility;

9 (b) The demographics of the veterans who received hyperbaric oxygen therapy at the
 10 facility;

11 (c) The number of actual hyperbaric oxygen therapy dives by veterans completed at the
 12 facility;

13 (d) Cognitive test results of veterans who received hyperbaric oxygen therapy at the facility;
 14 and

15 (e) Any testimonials provided by veterans voluntarily.

16 2. (1) Before January first each year, the commission shall prepare a report detailing each
 17 treatment of hyperbaric oxygen therapy provided to a veteran in accordance with sections 191.2600
 18 to 191.2630, the provider type for each treatment provided, the number of veterans treated or served,
 19 the treatment outcomes for the veterans treated or served, and a detailed accounting of the moneys
 20 used in the fund during the immediately preceding fiscal year.

21 (2) The commission shall submit the report prepared under subdivision (1) of this subsection
 22 to the governor, the president pro tempore of the senate, the speaker of the house of representatives,
 23 and the director of the department of health and senior services.

24 3. Before January thirtieth each year, the department of health and senior services shall
 25 submit to the governor a report containing:

26 (1) Findings and recommendations related to the administration of sections 191.2600 to
 27 191.2630;

28 (2) Findings and recommendations from any studies funded under section 191.2615
 29 regarding the efficacy of alternative therapies to treat posttraumatic stress disorder and traumatic
 30 brain injuries; and

31 (3) Recommendations on budgetary, legislative, or regulatory changes needed to expand
 32 access to alternative therapies for veterans with posttraumatic stress disorder and traumatic brain
 33 injuries.

34 191.2630. The commission and the department of health and senior services shall jointly
 35 promulgate all necessary rules and regulations for the administration of sections 191.2600 to
 36 191.2630. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 37 under the authority delegated in this section shall become effective only if it complies with and is
 38 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 39 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 40 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 41 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

1 August 28, 2024, shall be invalid and void."; and

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3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.